

## UNITED STATES DISTRICT COURT

Western District of Pennsylvania

UNITED STATES OF AMERICA

v.

MICHAEL BUMMER

## JUDGMENT IN A CRIMINAL CASE

Case Number: 18-cr-00142

USM Number: 39017-068

Efrem M. Grail and Brian Bevan

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1, 2, and 3☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC 846	CONSPIRACY TO UNLAWFULLY DISTRIBUTE A SCHEDULE III CONTROLLED SUBSTANCE	1/31/2018	1
18 USC 1347 AND 2	HEALTH CARE FRAUD	1/31/2018	2

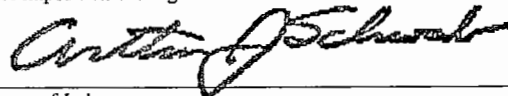
The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☒ Count(s) 4-20 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/16/2019

Date of Imposition of Judgment



Signature of Judge

Arthur J. Schwab, United States District Judge

Name and Title of Judge

10/16/2019

Date



[illegible]

DEFENDANT: MICHAEL BUMMER  
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### PROBATION

You are hereby sentenced to probation for a term of:

THREE YEARS OF PROBATION, 180 DAYS OF HOME DETENTION, AND 100 HOURS OF COMMUNITY SERVICE AT COUNTS ONE, TWO, AND THREE TO RUN CONCURRENTLY.

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
  - ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
7. ☐ You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.



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### STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

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### ADDITIONAL PROBATION TERMS

DEFENDANT SHALL PAY RESTITUTION AT A RATE OF NOT LESS THAN 10 PERCENT OF HIS GROSS MONTHLY EARNINGS. BUT IN ANY EVENT, NOT LESS THAN \$1,000.00 PER MONTH. THE FIRST PAYMENT SHALL BE MADE WITHIN THIRTY (30) DAYS FROM TODAY, OCTOBER 16, 2019. INTEREST IS NOT WAIVED.

DEFENDANT SHALL REPORT ANY CHANGE OF ADDRESS WITHIN 30 DAYS TO THE UNITED STATES ATTORNEY'S OFFICE WHILE ANY PORTION OF THE RESTITUTION REMAINS OUTSTANDING.

DEFENDANT SHALL PROVIDE THE PROBATION OFFICER WITH ACCESS TO ANY REQUESTED FINANCIAL INFORMATION.

DEFENDANT SHALL NOT INCUR NEW CREDIT CHARGES OR OPEN ADDITIONAL LINES OF CREDIT WITHOUT THE APPROVAL OF THE PROBATION OFFICER.

THE DEFENDANT SHALL MAKE PAYMENTS TO SATISFY THE CRIMINAL MONETARY PENALTY IN THE FOLLOWING MANNER: (A) MONTHLY INSTALLMENTS OF \$500 OR 5% OF THE DEFENDANT'S GROSS MONTHLY INCOME, WHICHEVER IS GREATER; (B) THE FIRST PAYMENT SHALL BE MADE WITHIN 30 DAYS FOLLOWING THE DEFENDANT'S COMMENCEMENT OF PROBATION, AND CONTINUE UNTIL THE CRIMINAL MONETARY PENALTY IS PAID IN FULL; AND (C) THE DEFENDANT SHALL BE RESPONSIBLE FOR PROVIDING PROOF OF PAYMENT TO THE PROBATION OFFICER AS DIRECTED.

THE DEFENDANT SHALL PERFORM 100 HOURS OF COMMUNITY SERVICE AS APPROVED AND DIRECTED BY THE PROBATION OFFICER. THE DEFENDANT SHALL BE RESPONSIBLE FOR PROVIDING THE PROBATION OFFICER WITH WRITTEN PROOF OF THE NUMBER OF HOURS COMPLETED.

THE DEFENDANT SHALL BE PLACED ON HOME DETENTION FOR A PERIOD OF 180 DAYS, TO COMMENCE AS SOON AS ARRANGEMENTS CAN BE MADE BY THE PROBATION OFFICE. THE DEFENDANT SHALL ABIDE BY ALL TECHNOLOGY REQUIREMENTS. THE LOCATION MONITORING TECHNOLOGY REQUIREMENT, I.E., RADIO FREQUENCY (RF), GLOBAL POSITIONING SYSTEM (GPS), OR VOICE RECOGNITION, IS AT THE DISCRETION OF THE PROBATION OFFICER. DURING THE PERIOD OF HOME DETENTION, THE DEFENDANT SHALL REMAIN AT THEIR RESIDENCE EXCEPT FOR EMPLOYMENT; EDUCATION; RELIGIOUS SERVICES; MEDICAL, SUBSTANCE ABUSE, OR MENTAL HEALTH TREATMENT; ATTORNEY VISITS; COURT APPEARANCES; COURT-ORDERED OBLIGATIONS; OR OTHER ACTIVITIES AS PRE-APPROVED BY THE PROBATION OFFICER. DURING THIS TIME, THE DEFENDANT SHALL COMPLY WITH THE RULES OF THE LOCATION MONITORING PROGRAM AND MAY BE REQUIRED TO MAINTAIN A LANDLINE TELEPHONE, WITHOUT SPECIAL FEATURES, AT THE DEFENDANT'S PLACE OF RESIDENCE. THE DEFENDANT SHALL PAY ALL OR PART OF THE COSTS OF PARTICIPATION IN THE LOCATION MONITORING PROGRAM AS DIRECTED BY THE COURT AND PROBATION OFFICER, BUT NOT TO EXCEED THE DAILY CONTRACTUAL RATE."



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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 300.00	\$	\$ 10,000.00	\$ 156,902.85

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Medicare and Medicaid		\$156,902.85	

<b>TOTALS</b>	\$	0.00	\$	156,902.85
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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**ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

DEFENDANT SHALL PAY RESTITUTION TO THE CENTERS FOR MEDICAID AND MEDICARE SERVICES IN THE AMOUNT OF ONE HUNDRED AND FIFTY-SIX THOUSAND, NINE HUNDRED AND TWO DOLLARS, AND EIGHTY-FIVE CENTS (\$156,902.85), AS INDICATED IN THE STIPULATION FILED AT ECF DOC. NO. 197.

THE VICTIM'S RECOVERY IS LIMITED TO THE AMOUNT OF ITS LOSS, AND DEFENDANT'S LIABILITY FOR RESTITUTION CEASES IF, AND WHEN, THE VICTIM RECEIVES FULL RESTITUTION.

DEFENDANT SHALL PAY RESTITUTION AT A RATE OF NOT LESS THAN 10 PERCENT OF HIS GROSS MONTHLY EARNINGS. BUT IN ANY EVENT, NOT LESS THAN \$1,000.00 PER MONTH. THE FIRST PAYMENT SHALL BE MADE WITHIN THIRTY (30) DAYS FROM TODAY, OCTOBER 16, 2019. INTEREST IS NOT WAIVED.

THE DEFENDANT SHALL MAKE PAYMENTS TO SATISFY THE CRIMINAL MONETARY PENALTY IN THE FOLLOWING MANNER: (A) MONTHLY INSTALLMENTS OF \$500 OR 5% OF THE DEFENDANT'S GROSS MONTHLY INCOME, WHICHEVER IS GREATER; (B) THE FIRST PAYMENT SHALL BE MADE WITHIN 30 DAYS FOLLOWING THE DEFENDANT'S COMMENCEMENT OF PROBATION, AND CONTINUE UNTIL THE CRIMINAL MONETARY PENALTY IS PAID IN FULL; AND (C) THE DEFENDANT SHALL BE RESPONSIBLE FOR PROVIDING PROOF OF PAYMENT TO THE PROBATION OFFICER AS DIRECTED.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 300.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

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Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

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Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.



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**ADDITIONAL FORFEITED PROPERTY**

DEFENDANT SHALL FORFEIT TO THE UNITED STATES A MONEY JUDGMENT IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00), WHICH, PURSUANT TO HIS PLEA AGREEMENT WITH THE GOVERNMENT, HE VOLUNTARILY AGREED TO PAY WITHIN SIXTY (60) DAYS OF THE GUILTY PLEA PURSUANT TO TITLE 21, UNITED STATES CODE SECTION 853(A)(1).

THE DEFENDANT SHALL FORFEIT TO THE UNITED STATES THE FOLLOWING PROPERTIES WHICH ARE ALSO IDENTIFIED IN THE PLEA AGREEMENT: A MONEY JUDGMENT IN THE AMOUNT OF \$10,000, WHICH HE ACKNOWLEDGES IS PROPERTY THAT CONSTITUTES OR IS DERIVED FROM PROCEEDS OBTAINED DIRECTLY OR INDIRECTLY AS A RESULT OF HIS VIOLATION OF 21 U.S.C. §§ 841(A)(1) AND 841(B)(1)(E)(I).